

### **Remarks**

Before entrance of the present Amendment, claims 1-84 were pending in the present application with claims 1-33, 45-47, 54, 55, and 59-84 being withdrawn from consideration. Claims 34-37, 39-41, 44, 48-52, and 56-58 stand rejected by the Examiner. Claims 38, 42-43, and 53 have been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Withdrawn claims 1-33, 45-47, 54-55, and 59-84 are canceled by the present Amendment. Claims 34-44, 48, 50-53, and 56-58 have been amended, and new claims 85-88 have been added. The amendments to the claims are to rewrite the objected to claims in independent form. Support for new claim 88 reciting various bioactive agents can be found in paragraphs [0088] and [0092] of the published application US 2005/0008620. Applicant submits that no new matter is added to the application by the above Amendment. Applicant reserves the right to pursue subject matter canceled from the present case in a future application claiming priority to the present application.

Applicant respectfully requests reexamination and reconsideration of the case based on the amended claims. Each of the rejections levied in the Office Action is addressed individually below to the extent it relates to the amended claims.

**I. Rejection under 35 U.S.C. § 102(b) as being anticipated by Brennan *et al.* (U.S. Patent 6,399,693).** The Examiner has rejected claims 34, 35, 39-41, 44, and 52 under § 102(b) as being anticipated by Brennan *et al.* (U.S. Patent 6,399,693). Applicant respectfully submits that the amended claims are not anticipated by Brennan *et al.* and requests that the rejection be withdrawn.

**II. Rejection under 35 U.S.C. § 103, as being unpatentable over Brennan *et al.* (U.S. Patent 6,399,693).** Claims 36, 37, and 48-51 stand rejected under § 103 as being unpatentable over Brennan *et al.* (U.S. Patent 6,399,693). Applicant respectfully submits that the amended claims are not anticipated by Brennan *et al.* and requests that the rejection be withdrawn.

**III. Rejection under 35 U.S.C. § 103, as being unpatentable over Brennan *et al.* (U.S. Patent 6,399,693) in view of Laurencin *et al.* (U.S. Patent 5,626,861).** Claims 56-58 stand rejected under § 103 as being unpatentable over Brennan *et al.* (U.S. Patent 6,399,693) in view of Laurencin *et al.* (U.S. Patent 5,626,861). Applicant respectfully submits that the amended claims are not anticipated by Brennan *et al.* and requests that the rejection be withdrawn.

In view of the forgoing arguments, Applicant respectfully submits that the present case is now in condition for allowance. A Notice to that effect is requested.

Please charge any fees that may be required for the processing of this Response, or credit any overpayments, to our Deposit Account No. 03-1721.

Respectfully submitted,



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